

REMARKS

The examiner's action dated April 7, 2008, has been received, and its contents carefully noted.

In order to further define the contribution of the invention over the prior art, new dependent claims 14 and 15 have been added. The manner in which these claims further define over the applied reference will be discussed below. Claims 1-15 are pending.

The rejection presented in Section 2 of the action is traversed for the reason that the novel household appliance according to the present invention is not suggested by any reasonable combination of the teachings of the applied references.

The present invention is directed to an improved household appliance for preparation of food in which an electric motor is controlled between two operating modes. The appliance defined in claim 1 includes means for automatically switching the operation of the appliance from the first mode to the second mode when the load passes below a first threshold, which in the disclosed embodiment is a lower threshold, and means to switch the operation from the second mode to the first mode when the load passes above a second threshold, which in the illustrated embodiment is an upper threshold. In the first case, the speed of the appliance

decreases, while in the second case, the speed increases.

What claim 1 thus defines is an arrangement in which, when the motor is operating in the first operating mode at a high speed, it continues to operate at that high speed until the load passes below the lower threshold and if the motor is operating in the second operating mode, at a low speed, it continues to operate at that low speed until the load passes above an upper threshold.

Thus, what is defined in claim 1 is essentially a household appliance for preparation of food having a monitoring/controlled device that controls the motor to operate at either one of two speeds and to pass between those two speeds when respective thresholds are passed. This is clearly different from the operation disclosed by Kawano in which, is shown particularly in Figure 2 of that reference, the motor has three operating modes: a low speed mode; a high speed mode; and, between those modes, a speed that is proportional to a current detection signal level. The low speed mode and high speed mode of Kawano can be compared to the second operating mode and first operating mode, respectively, defined in claim 1 of the present application. However, claim 1 excludes the existence of a third operating mode.

If the tool of Kawano is operating in the low speed mode, the speed of the tool increase as soon as the load increases above a lower threshold, whereas, as defined in claim 1, the speed of the motor of the food preparation appliance will not increase until the load passes above an upper threshold. The same consideration applies when the motor of Kawano is operating at high speed and the load passes below the upper threshold.

Thus, simply stated, the speed control of Kawano does not correspond to that defined in claim 1 of the present application.

Moreover, it would not be obvious to combine the teachings of the applied references for the simple reason that the operating requirements of an electric power tool, such as the power saw shown in Figure 3 of the reference, are totally different from the operating requirements of the tool of a food preparation appliance. When using a power tool of the type disclosed by Kawano, it may be useful to provide for a progressive transition between the low and high operating speeds. However, in the case of a food preparation appliance, the type of speed controlled disclosed by Kawano would not be useful and would render use of the device more difficult and less predictable.

New claim 14 further distinguishes over the applied references by its recitation that the motor operation is switched directly between the first and second operating modes, as clearly illustrated in Figure 3 and described in the present specification.

New claim 15 additionally distinguishes over the applied references by its recitation that the operation of the appliance decreases only when the load passes from a value higher than the first threshold to a value lower than the first threshold, and, correspondingly, the speed increases only when the load passes from a value lower than the second threshold to a value higher than the second threshold. This, again, is supported by the illustration in application Figure 3 and the specification.

It can be readily determined from a consideration of Figure 2 of Kawano, that the limitations presented in claims 14 and 15 clearly distinguish over the operating control disclosed in that reference.

The rejection presented in Section 3 of the action is traversed at least for the reason that claim 9 depends from claim 1 and should be considered allowable along therewith.

In view of the foregoing, it is requested that the prior art rejections be reconsidered and withdrawn, that all

of the pending claims be allowed and that the application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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